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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,620	05/31/2001	Scott J. Broussard	AUS920010262US1	1774
35617 7590 03/31/2008 DAFFER MCDANIEL LLP P.O. BOX 684908 AUSTIN, TX 78768				
EXAMINER				
BONSHOCK, DENNIS G				
ART UNIT		PAPER NUMBER		
2173				
MAIL DATE		DELIVERY MODE		
03/31/2008		PAPER		

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SCOTT J. BROUSSARD

Appeal 2008-0155
Application 09/870,620
Technology Center 2100

Decided: March 31, 2008

Before JAMES D. THOMAS, JOSEPH L. DIXON, and
LANCE LEONARD BARRY, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-16. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

BACKGROUND

Appellant's invention relates to a system and method for fast drawing of text fields and labels using a Java Swing application program interface. The present invention remedies select situations in the Swing interface which remedies situations in the Abstract Windowing Toolkit of Java. Appellant's claimed subject matter includes a computer-readable memory medium comprising an application program running under an operating system, a first software component and a second software component. (Spec., 13, ll. 10-13; 16, ll. 25-30; 17, ll. 1-2; FIG. 1, reference number 18). The first software component (e.g., the JTextField component and/or the JLabel component) is generally adapted to create a graphical representation of an object (e.g., a graphical representation of TextField 122 and/or Label 120, FIG. 13), which is embodied as code within the software component. Although the code comprises text and other displayable content, the first software component may be invoked during runtime by the application program to define visual attributes of the text, but not to draw the text. (Spec., 32, ll. 14-18). Instead, the second software component (e.g., the JTextFieldPeer component and/or the JFastLabelPeer component) may be invoked to draw the text using the visual attributes defined by the first software component. (Spec., 32, ll. 18-28). (Corrected Supplemental Br. 2; Summary of the Claimed Invention).

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A computer-readable memory medium, comprising:

a first software component adapted to create a graphical representation of an object embodied as code within the software component, wherein the code comprises text and other displayable content;

an application program running under an operating system; and

a second software component adapted for drawing the text, wherein the first software component is invoked during runtime by the application program to define visual attributes of the text, but not to draw the text, and wherein the second software component is invoked to draw the text using the visual attributes.

PRIOR ART

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Guha

US 6,005,588

December 21, 1999

Nelson, Matthew T., Java Foundation Classes, McGraw-Hill, xxv-xxvii, 20-22, 43, 73-79, 472-481, 694-707, (1998).

REJECTIONS

Claims 1, 3-10, and 12-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson. Claims 2 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Guha.

Rather than reiterate the conflicting viewpoints advanced by the Examiner and Appellant regarding the above-noted rejection, we make reference to the Examiner's Answer (mailed Apr. 6, 2007) for the reasoning

in support of the rejections, and to Appellant's Brief (filed Nov. 22, 2006) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to Appellant's Specification and claims, to the applied prior art references, and to the respective positions articulated by Appellant and the Examiner. As a consequence of our review, we make the determinations that follow.

35 U.S.C. § 103

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988). In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). “[T]he Examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability.” *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). Furthermore, “‘there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness’ . . . [H]owever, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of

ordinary skill in the art would employ.” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007)(quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

With respect to independent claims 1, 8, and 16, we find that the Examiner has set forth a sufficient initial showing in the Answer at pages 3-22, and the Examiner has clearly set forth the respective teachings of Nelson which correspond to the first software components and the second software components. The Examiner relies upon page 78 of Nelson wherein UI class (the second software component) having separate groups of code to get the look-and-feel and to draw the text. The UI class does not know what the text control contains or what the contents should look like, but uses `getDocument()` or `getStyledDocument ()` methods (which are the first software component) for this function. (Ans. 11).

We agree with the Examiner's correlation of the teachings of Nelson to the recited claim limitations and find that the Examiner has clearly set forth a sufficient initial showing of obviousness. Therefore, we look to the Appellant's arguments to show error in the Examiner's initial showing.

In the Brief at page 5, paragraph 2, Appellant restates the Examiner's application of the teachings of Nelson to independent claim 1, but then paraphrases the correlation of the first software component and the second software component in reverse order. Thereafter, Appellant argues that the `getDocument()` and `getStyledDocument()` methods do not actually draw text and cannot be considered equivalent to the presently claimed second software component. (Br. 5). Since the Examiner has correlated the

getDocument() and getStyledDocument() methods as the first software component, we do not find Appellant's argument relevant or persuasive concerning the first software component since Appellant has not addressed the prior art teachings as applied by the Examiner. Therefore, Appellant's argument is not persuasive of error in the Examiner's initial showing of obviousness.

Furthermore, Appellant argues that the UI class of Nelson is responsible for drawing text, UI class cannot be considered equivalent to the presently claimed first software component. Since the Examiner has correlated the UI class as the second software component, we do not find Appellant's argument relevant or persuasive concerning the second software component since Appellant has not addressed the prior or teachings as applied by the Examiner. Therefore, Appellant's argument is not persuasive of error in the Examiner's initial showing of obviousness.

Therefore, we do not find that Appellant has shown error in the initial showing of obviousness as set forth by the Examiner with respect to independent claims 1, 8, and 16, and we will sustain the rejection of independent claims 1, 8, and 16 and their respective dependent claims.

With respect to dependent claim 17, Appellant argues that the Examiner has not set forth a prima facie case of obviousness since the Examiner has not provided a teaching of the present claimed "peer component." (Br. 10). The Examiner maintains at page 7 of the Answer that Nelson teaches "a system for drawing text where one component can define attributes of an item and the actual displaying of the item can be

implemented by another item. It is, however a design choice, an item could just as easily be given attributes and drawn by the same software component.” We do not find that the Examiner's application or correlation of the teachings of Nelson to specifically address the claim limitations "a peer component adapted for redirecting a memory call to invoke text drawing methods of the second software component rather than text drawing methods of the first software component." Here, the Examiner's generalized application of the prior art teachings of Nelson does not set forth a sufficient initial showing of obviousness, and we will reverse the Examiner's rejection of dependent claim 17 for a lack of proper initial showing.

With respect to dependent claims 2 and 11, Appellant reiterates and relies upon the same arguments advanced with independent claims 1 which we did not find persuasive above. Therefore, we will sustain the rejection of dependent claims 2 and 11.

CONCLUSION

To summarize, we have sustained the rejection of claims 1-16 under 35 U.S.C. § 103(a), and we have reversed the rejection of claim 17 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED-IN-PART

Appeal 2008-0155
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